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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 1651
Confirmation No.: 7977
Application No.: 10/634,292
Invention: Nano-Structured Polymers
For Use As Implants
Applicant: Haberstroh et al.
Filed.: August 5, 2003
Attorney Docket: 3220-73239
Examiner: Ruth A. Davis

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited
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on May 21, 2008

John P. Breen
(Signature)

John P. Breen
Printed Name

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56 and pursuant to the holding of the Federal Circuit Court of Appeals in the case *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003). No representation is intended that a complete search has been made of the prior art or that no better art references are available.

In the *Dayco* case, it was held that a rejection of a substantially similar claim in a co-pending United States application being examined by another examiner is considered material

to patentability. In an abundance of caution, and without any admission that the claims of the following applications are substantially similar, applicants are advising the Examiner of co-pending U.S. Patent Application Nos. 10/550,427; 10/550,439; 10/362,148; 10/793,721; and 10/253,300 (now abandoned) which are directed to related subject matter.

The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

Applicants believe that no fees are required with this response. If any fees are required, the Commissioner is hereby authorized to charge the same to the account of Barnes & Thornburg LLP, Deposit Account No. 10-0435, with reference to our matter 3220-73239.

Respectfully submitted,



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